

LB 259. 4/16/73
April 16, 1973

favor vote aye, those opposed vote no. Have you all voted?
Clerk will record.

CLERK: 4 ayes, 34 nays, remainder not voting.

PRESIDENT: The motion is lost. Now are there any other motions to be made on 259 on Select File?

CLERK: I have none.

PRESIDENT: Are there other motions on the desk?

CLERK: None, Mr. President.

PRESIDENT: Thank you. Question is, shall LB 259 be advanced from Select File to E & R for engrossing? All those in favor vote aye, all those opposed vote no. You are voting on the advancement of 259 from Select File to E & R Final. Have you all voted? Once again, have you all voted? Voting on the advancement of 259 from Select File to E & R Final. Okay, Clerk will record. Senator Proud asks for a record vote.

CLERK: 29 ayes, 15 nays, 5 not voting.

PRESIDENT: LB 259 is advanced to Final E & R. Next to come up is General File debate of LB 445. Senator Lewis' bill. Clerk will read the title.

CLERK: Reads title. There are committee amendments by the Nebraska Retirement Systems, Senator Whitney, chairman.

PRESIDENT: Chair recognizes Senator Whitney for committee amendments to LB 445. Senator Whitney.

SENATOR WHITNEY: Mr. President, sofar as I know this bill has not been unbracketed yet. When it was brought up this morning or later this afternoon to be unbracketed, I immediately put my light on. I feel that it should not be unbracketed.

PRESIDENT: Senator Whitney; the chair would rule that that bill was set for today and it does not need to be unbracketed.

SENATOR WHITNEY: Okay. I think then we'll have to have Senator Frank Lewis, since it's--just a minute, I'll have to check this bill.

PRESIDENT: Stand by.

SENATOR WHITNEY: Since the committee amendments are unconstitutional, I move that the committee amendments be rejected.

PRESIDENT: Motion before us is to reject the committee amendments. Chair recognizes Senator Lewis.

SENATOR F. LEWIS: Mr. Chairman, after trying to reach a satisfactory solution on this bill and on the recommendation of the PRB board and on the recommendation of several actuaries, I acquiesce to the committee amendments to accomplish my original purpose and that is to provide some necessary money now for those retired teachers that are in dire straits. Senator Whitney procurred late last week an Attorney General's opinion that says, the committee amendments as written were unconstitutional. So I immediately tried to find a way to satisfy the constitutionality of the issue. I have drafted and is on your desk an amendment to the committee amendments which will provide for a constitutional approach to those committee amendments. Also as you noted this morning, the Clerk of the Legislature read an opinion from the Attorney General stating emphatically that with the amendment that I